

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Donna Poplar,

Plaintiff(s),

vs

Case No: 21-12568

Honorable Victoria A. Roberts

Genesee County Road Commission,

Defendant(s).

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SCHEDULING ORDER (PHASE II)

**PLEASE DOCKET IMMEDIATELY:
NO FURTHER NOTICE OF THESE DATES WILL BE SENT**

1. Dispositive Motion requirements;
2. Setting Date for filing of Final Pretrial Order;
3. Setting date of Final Pretrial Conference;
4. Setting Trial date;
5. Providing for content of Final Pretrial Order and describing material to be prepared and to be made available to the Court and counsel; and
6. Setting forth brief format requirements.

1. Dispositive Motions **must be filed by:** 11/18/2022.

When filing motions for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, parties must proceed in accordance with the following:

A. Statement of Material Facts on Motion for Summary Judgment.

- (1) The maker of the motion must include a Statement of Material Facts.

In short, concise and numbered paragraphs, the maker of the motion must set forth the material facts that the moving party contends there is no genuine issue to be tried. Failure to submit such a statement may constitute grounds for striking the motion or denying it.

- (2) The party opposing the motion must include correspondingly numbered paragraphs responding to each numbered paragraph in the statement of the moving party, and, if necessary, additional paragraphs containing separate, short, and concise statements of additional material facts that that party contends there exists a genuine issue to be tried.
- (3) Each numbered paragraph in the moving party's Statement of Material Facts will be deemed admitted for purposes of the motion unless specifically controverted by a correspondingly numbered paragraph in the statement served by the opposing party.
- (4) Each Statement of Material Fact - whether set forth by the maker of the motion or the party opposing the motion - must be followed by citation to interrogatory answers, depositions, documents, affidavits, declarations, stipulations, admissions, electronically stored information, or other information which would be admissible under Federal Rules of Civil Procedure 56(e), in support of each claim or defense asserted.

B. Attached appendices must contain an index and be tabbed.

C. Counsel are discouraged from employing elaborate boilerplate recitations of the summary judgment standard or lengthy string citations in support of well established legal principles. Instead, counsel should focus analysis on a few well chosen cases, preferably recent and from controlling courts. For cases and other sources cited, the briefs should contain a link to the citation. Cases should not be attached.

2. Response briefs must be filed by: 12/9/2022.
3. Reply briefs must be filed by: 12/9/2022.

4. Deadline for filing motions in limine to exclude expert testimony (“*Daubert* motions”): N/A.
5. Motion hearing: 3/21/2023 at 2:00pm.
6. Case Evaluation: N/A.
(Case evaluation must occur approximately four to six weeks before the Settlement Conference.)

 Parties stipulate to case evaluation sanctions and costs.

 Parties do not stipulate to case evaluation sanctions and costs.
7. Plaintiff: Reports pursuant to FRCP 26(a)(2)(B) or Disclosures pursuant to FRCP 26(a)(2)(C) by experts are due: 4/28/2023.
8. Defendant: Reports pursuant to FRCP 26(a)(2)(B) or Disclosures pursuant to FRCP 26(a)(2)(C) by Defendant experts are due: 4/28/2023.
9. Rebuttal reports are due: 5/31/2023.
10. Expert discovery cutoff: 7/31/2023.
11. Final Settlement Conference date and time: 8/15/2023 at 2:00pm.

PLEASE NOTE: The parties are required to discuss settlement and exchange numbers before the Settlement Conference. Failure of any party to engage in this pre-settlement conference process may result in the imposition of sanctions.

At the Settlement Conference, parties (and insurance company representatives) must appear and must have full settlement authority. Such persons and entities are ordered to prepare for and participate in the Settlement Conference in objective good faith.

For the Defendant, the representative must have final authority, in the representative's own discretion, to pay a settlement amount up to Plaintiff's last demand. If this representative is an insurance company, the representative must have final authority to commit the company to pay, in the representative's own

discretion, an amount up to the Plaintiff's last demand if within policy limits, or if not within policy limits, the limits of the policy, whichever is lower.

For a Plaintiff, such representative must have final authority, in the representative's own discretion, to authorize dismissal of the case with prejudice, or to accept a settlement amount down to Defendant's last offer, whichever is higher.

SANCTIONS WILL BE IMPOSED IF THE PARTY WITH FULL SETTLEMENT AUTHORITY FAILS TO APPEAR.

12. Deadline for filing Joint Pretrial Order: 8/29/2023.
13. *Deadline for filing all other Motions in Limine: 8/29/2023.
14. *Deadline for filing Responses to Motions in Limine: 9/6/2023.
15. Final Pretrial Conference Date and Time: 9/19/2023 at 2:00pm.
Trial counsel must be present at the Final Pretrial Conference.
16. Hearing on Motions in Limine: 9/19/2023 at 2:00pm.
17. Trial date and time: 9/26/2023 to October 24, 2023 at 9:00am.

Jury Trial X

Non Jury Trial

PLEASE NOTE THE FOLLOWING:

1. The parties may not stipulate to extend any dates.
2. Briefing Schedule: Unless specifically addressed in this Order, the local court rules apply for filing responses and replies to motions.
3. All briefs must comply strictly with LR 7.1 (Statement of Issues, Statement of Controlling/Most Appropriate Authority), and, in addition, must contain a Table of Contents, an Index of Authorities and an Index of Exhibits. The Exhibits must be tabbed. Unpublished cases should be attached. Counsel are

to highlight relevant portions of exhibits to which the Court's attention should be directed. Furthermore, the format requirements as set forth in LR 5.1 must be strictly adhered to. A courtesy copy of all motions and briefs must be submitted directly to Judge Roberts' chambers and must contain the electronic file stamp header.

4. All motion, responses and replies ("motion papers") must conform to LRs 5.1 and 7.1, the Court's requirements, and the Judge's practice guidelines in all respects.

Before filing a motion, the movant must comply with Local Rule 7.1 and make a reasonable and timely effort to meet or speak personally with opposing counsel to seek concurrence. The Court requires an in-person video, or telephone conversation with the other persons or counsel entitled to be heard. An email exchange will not suffice. The communication must also be timely. A conversation that occurs on the same day the motion is filed generally will not be sufficient. If no conference is conducted, the movant must describe in detail the efforts made to confer with the opponent.

Any motion filed must state that efforts were made to seek concurrence and that it was denied. If you fail to include this statement in any motion filed, the Court will strike it and it cannot be refiled.

If motions papers are supported by deposition testimony, do not include the entire deposition; include only the relevant pages and highlight the relevant portions. Each page must be bates stamped.

Attempts to circumvent these requirements in any way may be considered an abusive practice which may result in the motion or response being stricken as well as sanctions imposed under LR 11.1.

5. Motion hearings: Pursuant to L.R. 7.1(e)(2), the Court will decide motions on the briefs filed, UNLESS the Court issues a Notice of Motion Hearing.
6. Bench trials: Findings of Fact and Conclusion of Law are to be submitted on the first day of trial.

* Motions in Limine cannot be filed in Bench Trials, except with leave of

court.

THE ABOVE CONSTITUTES AN ORDER OF THIS COURT.

Dated: 8/13/2022

s/ Victoria A. Roberts
Honorable Victoria A. Roberts
United States District Judge

(Revised: 5/2022)